

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

—

IN RE: JASON MICHAEL BOYCHUCK,)	Chapter 13
)	
)	Bk. No. 18-11895-JKF
Debtor)	

ORDER SUSTAINING
RESPONSE AND OBJECTION OF DEBTOR TO MOTION OF PNC BANK FOR
RELIEF FROM THE AUTOMATIC STAY AND FOR CO-DEBTOR RELIEF

AND NOW, this ____ day of September, 2018, upon the Motion filed by PNC Bank for Relief from the Automatic Stay (the “Motion”), and the Debtor’s Response and Objection and Supplement thereto, and after notice and an opportunity to be heard, **IT IS HEREBY ORDERED AND DECREED** as follows:

1. The foregoing Motion filed by PNC Bank on July 17, 2018, having been brought on misstated factual bases, is **DENIED: and it is further ORDERED that**
2. PNC Bank, having wrongfully applied Debtor’s post-petition monthly Mortgage payments to its prepetition arrearages, and then having filed its Motion alleging substantial postpetition defaults in monthly Mortgage payments by Debtor, entitles the Debtor, Jason Michael Boychuck, and Co-Debtor, Aimee Boychuck, to an award of sanctions against PNC Bank, in the amount of \$_____.
3. Debtor’s counsel is hereby awarded the sum of \$_____, for his necessary investigation into the erroneous allegations contained in PNC Banks’s Motion, and the preparation and filing of Debtor’s Response and Objection, and Supplement thereto, and PNC Bank is hereby ordered to remit that amount to Debtor’s counsel.

4. PNC Bank shall remit the foregoing payments to the Debtor and Co-Debtor, and to Debtor's counsel, within fifteen (15) days of the entry of this Order.

Dated: September _____, 2018

BY THE COURT:

HON. JEAN K. FITZSIMON
United States Bankruptcy Judge

Interested parties:

W.J. Winterstein, Jr., Counsel for Debtor

Morris Scott, Attorney for PNC Bank

Kevin G. McDonald, Esq., Attorney for PNC Bank

William Miller, Interim Chapter 13 Trustee

Office of the U.S. Trustee